

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE: GENERAL MOTORS LLC IGNITION SWITCH LITIGATION	: : : :	Case No. 14-MD-2543 (JMF) HON. JESSE M. FURMAN
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**APPLICATION OF DIANNE M. NAST FOR APPOINTMENT
TO THE PLAINTIFFS' LEADERSHIP GROUP**

Pursuant to Case Management Order No. 5, Dianne M. Nast respectfully applies for appointment to the Plaintiffs' Executive Committee, or for service in such other capacity as the Court deems appropriate. Ms. Nast will attend the August 11, 2014 Initial Conference in New York City.

Ms. Nast has been an active member of the bar for over three decades. As detailed below, she has extensive experience in complex cases and products liability litigation, with particular emphasis on antitrust, pharmaceutical and automotive litigation. She has a reputation for working cooperatively with co-counsel and facilitating resolution of disagreements. She and her firm have ample personnel, time and financial resources to devote to this important litigation. The firm currently represents over 160 individuals in both personal injury and economic injury cases, and additional clients contact our firm on a daily basis as we continue to screen cases.

Ms. Nast has a national complex litigation practice, focusing on product liability, personal injury and antitrust matters. She is frequently asked to take major leadership roles in those cases. For example, Ms. Nast was appointed as Co-Lead Counsel in the *Zolofit Litigation*, MDL 2342 (E.D. Pa.), to the Plaintiffs' Executive Committee in the *Effexor Litigation*, MDL 2458 (E.D. Pa.), to the Plaintiffs' Steering Committee in *Tylenol Litigation*, MDL 2436 (E.D. Pa.), to the Plaintiffs' Steering Committee in *Mirena IUD Litigation*, MDL 2434 (S.D.N.Y.), to the Plaintiffs' Steering Committee in *Lipitor Litigation*, MDL 2502 (D. S.C.), and as Co- Lead

Class Counsel and Fee Committee Member in *In re: Factor VIII or IX Concentrate Blood Products Litig.*, (N.D. Ill., MDL 986) (Judge J. Grady). Ms. Nast served on the Plaintiffs' Steering Committee in the *Avandia Litigation* as Federal-State Liaison and a member of the Policy Committee, and was appointed as Chair of the Fee Committee. MDL 1871 (E.D. Pa.). She served as Co-Lead Counsel in the *Darvocet, Darvon and Propoxyphene Litigation*, MDL 2226 (E.D. Ky.), and as Federal-State Liaison in the *Yasmin and Yaz (Drospirenone) Litigation*, MDL 2100 (S.D. Ill.).¹

In automotive litigation, she was appointed Co-Lead Counsel by then Chief Judge Nangle in *Chrysler Motors Corporation Overnight Evaluation Program*, MDL 740 (E.D. Mo.), and Co-Lead Counsel by Judge Phil Gilbert in the *Chrysler II Litigation*, Master File No. 92-424-JPG (S.D. Ill.).

She was appointed by then Chief Justice William H. Rehnquist to the Board of Directors of the Federal Judicial Center Foundation, where she served for ten years, five years as Chair. The late Judge Edward Becker, then Chief Judge of the Third Circuit, appointed Ms. Nast to

¹ Ms. Nast has been appointed as Lead and Co-Lead Counsel and served as a member of the Plaintiffs' Executive Committee or Plaintiffs' Steering Committee for decades in many cases throughout the United States. By way of example: *In re: Yaz, Yasmin, Ocella Prod. Liab. Litig.* (Phila. C.C.P. No. 1307) (Pa. Co-Lead/Liaison); *In re: National Football League Players' Concussion Injury Litig.* (E.D. Pa., MDL 2323) (PSC; Settlement Sub-Class Counsel); *In re: Medtronic, Inc. Implantable Defibrillators Litig.* (D. Minn., MDL 1726) (PSC); *In re: Serzone Prod. Liab. Litig.* (S.D. W.V., MDL 1477) (PSC); *In re: Diet Drugs Prod. Liab. Litig.* (E.D. Pa., MDL 1203) (PSC and Sub-Class Counsel, Fee Committee); *In re: Pelvic Repair Systems Litigations* (S.D.W.V.), including *Ethicon, Inc.*, MDL 2327 (PSC), *Boston Scientific Corp.*, MDL 2326 (PSC) and *American Medical Systems, Inc.*, MDL 2325 (PSC); *In re: Actos (Pioglitazone)* (W.D. La., MDL 2299) (PSC); *In re: Light Cigarettes Marketing Litig.* (D. Me., MDL 2068) (PSC); *In re: Heparin Prod. Liab. Litig.* (N.D. Ohio, MDL 1953) (PEC); *Chocolate Antitrust Litig.*, (M.D. Pa., MDL 1935) (PEC); *In re: Medtronic, Inc. Sprint Fidelis Leads Litig.* (D. Minn., MDL 1905) (PSC, Fee Committee); *In re: Effexor XR Antitrust Litig.* (D.N.J.) (Executive Committee); *In re: Wellbutrin SR Direct Purchaser Antitrust Litig.* (E.D. Pa.) (Lead); *Paxil Antitrust Litig.* (E.D. Pa.) (Co-Lead); *In re: Nifedipine Antitrust Litig.* (D.D.C., MDL 1515) (Co-Lead); *Augmentin Antitrust Litig.* (E.D. Va.) (Lead); *Ovcon 35 Antitrust Litig.* (D.D.C.) (Executive Committee); *Castano Tobacco Addiction Litig.* (E.D. La.) (PSC).

serve as a member of the Third Circuit Task Force on Selection of Class Counsel. The Task Force issued a report, *Selection of Class Counsel*, 208 F.R.D. 340 (2002), which has been cited over 100 times in court opinions. She was selected by The American Law Institute to serve on the ALI's Principles of the Law of Aggregate Litigation.

Ms. Nast chaired the Lawyers Advisory Committee for the United States Court of Appeals for the Third Circuit and served a three-year term on that Committee. She served for eight years on the Third Circuit's Committee on Revision of Judicial Conduct Rules of the Judicial Council and on the Judicial Conference Long Range Planning Committee.

She was appointed by the late Chief Judge Alfred L. Luongo to Chair the Eastern District of Pennsylvania's Lawyers Advisory Committee, and served for four years. She served for three years as President of The Historical Society for the Eastern District of Pennsylvania and as Editor of the Society's Annual Historical Calendar.

Ms. Nast is a member of the American Bar Association Litigation Section, where she served on the Task Force on State Justice Initiatives and on its Committee on Counsel Fees. She served on the Task Force on the Justice System and the Task Force on Strategic Planning. She co-chaired the Section's Committee on International Associations, and served a term on the Section's Council. She served as a Section Division Director, and co-chaired the Section's Antitrust Committee.

She served a term in the American Bar Association House of Delegates, and three terms in the Pennsylvania Bar Association House of Delegates. She was a member of the Pennsylvania Bar Association's Task Force on the Image of the Lawyer. Ms. Nast served as a member of the American Arbitration Association Task Force on Alternate Dispute Resolution and Mass Torts. She also served as a member of the Board of Directors of the American Arbitration Association.

She served six years as a Director on the Board of the Public Defender's Office of Philadelphia. Ms. Nast was selected as one of a small group of Philadelphia attorneys to be appointed Judge Pro Tempore, serving as presiding Judge in major civil jury cases in the Court of Common Pleas.

Ms. Nast is a Fellow of the American Bar Foundation. She is a member of the American Law Institute, and has served as a member of the Board of Directors of the Sedona Conference, a member of the American Antitrust Institute and the Public Justice Foundation. She currently serves on The Pennsylvania Disciplinary Hearing Committee.

Ms. Nast holds an AV Martindale-Hubbell rating, and has been selected to be listed in *The Best Lawyers in America*, included in each edition since 2003. The *National Law Journal* has selected Ms. Nast as one of the nation's top fifty women litigators. Ms. Nast was also selected by *Philadelphia Magazine* as one of Philadelphia's Best Complex Litigation Lawyers. She has been named as one of Pennsylvania's Top Women Lawyers. She appears in numerous *Who's Who* publications.

Ms. Nast is deeply immersed with the issues in this case. She has decades of experience with the complex issues and challenges that will likely be presented here. Ms. Nast has particular familiarity with class action issues, having started her career working with Harold Kohn, an early pioneer in MDL and class action litigation. She, and the attorneys with NastLaw LLC, understand and are prepared to tackle the complex interplay of state and federal law that will undoubtedly be a substantial factor in this litigation.

Ms. Nast is committed to this litigation and as noted, will dedicate the substantial personal time, energy and major financial resources to bring this important litigation to a proper conclusion. She will remain active in the litigation until every case is concluded. Her history in

other cases demonstrates that when she is in a leadership position, she remains in the case until the case is concluded in all aspects, and also helps other colleagues to wrap up their cases, if such help is requested.

She has a strong reputation of working collegially with all of her colleagues, a fact that has been recognized by numerous courts in their frequent appointment of Ms. Nast to positions which require leadership skills. She has served as Federal State Liaison Counsel in two other MDLs – the *Avandia Litigation*, MDL No. 1871, and the *Yasmin and Yaz (Drospirenone) Litigation*, MDL 2100. Ms. Nast also served as the Chair of the Fee Committee in the *Avandia Litigation*, MDL No. 1871, an important undertaking. Judge Collier appointed Ms. Nast as Mediation Counsel in a major antitrust case pending in Tennessee, where the case was successfully resolved within two years. *In re Skelaxin Antitrust Litigation*, MDL No. 2343 (E.D. Tenn.). She also was chosen by Judge Grady for the Fee Committees in *In re: Factor VIII or IX Concentrate Blood Products Litig.*, MDL 986 (N.D. Ill.) and by Judge Bartle in *In re: Diet Drugs Prod. Liab. Litig.*, MDL 1203 (E.D. Pa.). In those cases, many difficult issues surrounding the fee awards have been resolved without court intervention.

Appointment of counsel from geographic regions across the country will further the purposes of this MDL. Counsel from multiple jurisdictions bring experience with the state laws and local customs where they practice and that diverse knowledge will be a clear asset to the case.

Dated: July 28, 2014

/s/ Dianne M. Nast
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CERTIFICATE OF SERVICE

I hereby certify that on this date, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system as indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

/s/ Dianne M. Nast

Dianne M. Nast

Dated: July 28, 2014